

**STATE OF NEW HAMPSHIRE
BOARD OF MANUFACTURED HOUSING**

Gail Mortz and)	Docket No. 14-02
Kenneth Mortz)	
“Complainants”)	
)	
v.)	
)	
Claude C. Rancourt –)	
Artistic Home Sales, Inc.)	
“Respondent”)	

Meeting held on January 24, 2014 at Concord, New Hampshire.

RULING

This matter came before the Board of Manufactured Housing (hereinafter referred to as the Board) for a threshold inquiry pursuant to RSA 205-A:27, IV (a) as to whether the complaint of Gail Mortz and Kenneth Mortz against Claude C. Rancourt and Artistic Home Sales has merit. It is the practice of this Board to make a threshold inquiry with respect to every complaint it receives as to whether the Board has jurisdiction over the issues raised in the complaint, and whether the complaint has merit. In so doing, the Board will carefully consider the allegations of each complaint, and for purposes of this inquiry, accepts each statement of fact therein as true. The Board notes the section II response suggests that the correct party Respondents are Claude C. Rancourt, Trustee of the Claude C. Rancourt Irrevocable Trust and Artistic Home Sales, Inc. (hereinafter collectively referred to in the singular).

It is also noted that the Complainants have requested a waiver of the application fee pursuant to RSA 205-A: 27, IV (a). The Complainants submitted satisfactory evidence in support of their request. The Board finds and rules that such fee will cause an unfair financial burden on them and accordingly their request for waiver of the filing fee is **GRANTED**.

Here the Complainants have essentially alleged that the Respondent raised rents effective March 2014 without specifying the reason in the notice pursuant to RSA 205-A: 6, I; refused to remove rotted, diseased and/or insect-infested trees in proximity to the Complainants’ home site; and complain that the manufactured housing unit they purchased specifically alleging misrepresentation that the home was new when they claim it was used; and complaints regarding the installation of their home. Again, the

Board notes that while it has received a vigorous response denying these allegations from the Respondents, the Board assumes the truth of the Complainants' allegations only for purposes of its threshold inquiry.

It is the function of this Board "to hear and determine matters involving manufactured housing park rules, specifically RSA 205-A: 2..." RSA 205-A: 27, I. It is notable that the complaint fails to specifically identify an unreasonable or illegal park rule as applied to *them*. The Board has no jurisdiction over rent or rent increases, RSA 205-A: 27, II. There is no rule that the Complainants point to, or which the Board could identify, concerning trees that would apply to them. Complaints relative to the installation and set-up of homes are not within the purview of this Board (SEE the provisions of RSA 205-D. The Complainants may have a claim before the Manufactured Housing Installation Standards Board.) After carefully examining the park rules, and a careful review of the complaint and all supporting material submitted, this Board determines that there is no park rule which the Board can address to give the Complainants the desired relief, even if the allegations were proven for purposes of a decision on the merits.

It is clear however that the Complainants are, at the very least, frustrated homeowners which the Respondent might take note of, and might in fact take steps to ameliorate through a process of mediation. The Complainants may also have a private right of action which they may choose to explore.

Based upon the foregoing, however, the Board unanimously concludes that the claim is not within the Board's jurisdiction and dismisses the same, and issues this ruling in accordance with RSA 205-A: 27 IV (a). The Complainants as of right may amend their claim to bring it within the jurisdiction of the Board.

Man 211.01 Motions for rehearing, reconsideration or clarification or other such post-hearing motions shall be filed within 30 days of the date of the Board's order or decision. Filing a rehearing motion shall be a prerequisite to appealing to the Superior Court in accordance with RSA 205-A:28 II.

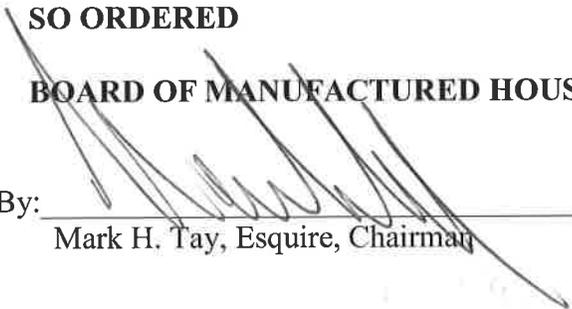
SO ORDERED

BOARD OF MANUFACTURED HOUSING

Dated:

Apr 4, 2014

By:


Mark H. Tay, Esquire, Chairman

Members participating in this action:

Mark H. Tay, Esquire, Chairman
Peter J. Graves, Vice-Chairman
Rep. Carol H. Freidrich
Rep. Rose Marie Rogers
Judy Williams
Glenn Ritter

Members not participating in this action:

Robert D. Hunt, Esquire
Juanita J. Martin
Lois Parris

Also Present:

Suzanne Beauchesne, Clerk
Kim Ware, NH Joint Board



CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing Order has been mailed this date, postage prepaid, to Kenneth and Gail Mortz at 72 Kendall Pond Road, Lot 25, Derry, NH 03038-7278 and Claude C. Rancourt, 74 Daniel Webster Highway, Merrimack, NH 03054.

Dated: 4-4-14


Suzanne Beauchesne, Clerk
Board of Manufactured Housing